

### **Remarks/Arguments**

Applicants have reviewed the Office Action mailed September 18, 2009. To better distinguish their invention, applicants have amended claims 1, 5, 9 and 16. Following the claim amendments, claims 1-20 remain pending in this application. Applicants request reconsideration of the rejections in view of the amendments to the claims and the foregoing remarks.

#### **35 U.S.C § 102(b) Rejection of Claims 1-3, 6, 7, 9-11 and 16-20**

Claims 1-3, 6, 7, 9-11 and 16-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,535,924 issued to Kwok et al. (hereinafter, the Kwok et al patent. Kwok et al. patent discloses a method and apparatus for performing software upgrade of a router while the router is in use. Initially, applicant points out that Kwok et al. does not function to upgrade hardware within the router, and very specifically deals exclusively with internal software upgrades to the router.

Independent claims 1 and 9 recite, *inter alia*, “a configuration control card coupled to each one of said plurality of function cards”. Applicant respectfully asserts that Kwok et al. does not disclose a configuration control card coupled to each of the line cards 201 and fabric cards 202. In fact, Kwok et al. clearly discloses that the router 200 has a plurality of control cards 203 which support routing protocol software used by the router, manage error and control messaging, perform special processing, etc. [See Kwok et al at Col. 5, lines 62-67]. In this cited portion, Kwok et al. identifies three (3) control cards, where one is assigned as a master, one is a target for software upgrade, and the other is a designated backup. (See Col. 6, lines 37-43). Interestingly, the backup control card of Kwok et al. is integral to the uninterrupted software upgrade capability of the router disclosed therein. In the disclose example, Kwok et al. identifies the master control card for receiving all the software images for cards targeted for upgrade, where card 209 is targeted for upgrade and card 211 is designated as the backup control card. “As the designated backup, card 211 assumes the operations duties of card 209 temporarily while card 209 is being upgraded. If

more than one, or all of the control cards 203 are to be upgraded in a single session, then designation for backup card may be rotated from card to card as required.” (See Col. 7, lines 38-52).

Thus, the software upgrade system of Kwok et al. specifically teaches the need to designate a backup control to assume all control responsibility for a card undergoing upgrading at any given time to effect the primary object of the Kwok et al. invention, which is to provide software upgrades to the router without interrupting its operation. Thus, if Kwok et al. had a configuration control card as set for in applicants’ claims, such a configuration card would completely defeat the intended purpose of the invention disclosed therein. Therefore, Kwok et al. fails to anticipate this aspect of the claimed invention, and therefore cannot anticipate the claims as suggested. Applicants request reconsideration and withdrawal of the rejection for this reason.

In addition, applicant notes that the software upgrade system of Kwok et al. fails to disclose or suggest “a plurality of function cards including at least one router card, a plurality of input cards and a plurality of outputs cards, each having at least one programmable device residing thereon”. Here the Examiner cites the memory on each of the function cards in Kwok et al. as analogous to this claimed feature of the present invention. As disclosed in applicants’ specification, the programmable device constitutes a hardware device disposed on each of the plurality of function cards.

In contrast, the Kwok et al. patent contains no disclosure or suggestion the memory constitutes a “programmable device”. In fact, the memory of Kwok et al. serves to receive and store runtime images, which certainly does not suggest the memory possess the capability of being programmable at all. Rather, the manner in which Kwok et al. describe their memory indicates that the memory receives a software upgrade and runs it. Since the entire disclosure of Kwok et al. relates to upgrading software within the router, one cannot simply say that a memory storing and running a software upgrade corresponds to a configuration card connected to each of the plurality of functions cards and is capable of configuring a programmable device on each and every one of the plurality of function cards connected to the configuration card, and in response to a configuration request.

In view of the foregoing comments, applicants’ independent claims 1 and 9 patentably distinguish over the teachings of Kwok et al. In addition, Kwok et al. taken

singly or in any combination with the cited references fails to render the claimed invention set for the in independent claims 1 and 9 obvious to those of skill in the art.

With respect to independent claim 16, Kwok et al. fails to disclose a broadcast router having a plurality of function cards including at least one router card, a plurality of input cards and a plurality of output cards, where each function card has one or more configurable devices thereon. Contrary to the Examiner's interpretation of Kwok et al. and the use of memories on the control cards disclose therein, Kwok et al. fails to disclose or suggest the configuration of programmable devices on each of the plurality of function cards, as set forth by the claimed invention.

In view of the above, applicants' independent claims clearly distinguish over the teachings of Kwok et al. As such, the claims are neither anticipated, nor rendered obvious by the teachings of Kwok et al.

For at least the reasons cited above, dependent claims 2-8, 10-15 and 17-20 are also believed to be allowable based on their dependence from the respective independent claims 1, 9, and 16.

## **Conclusion**

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

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No fees are believed due with regard to this Amendment. Please charge any fee or credit any overpayment to Deposit Account No. **07-0832**.

Respectfully submitted,

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